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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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9 SHAWN M. BALL,

10 Petitioner,

11 vs.

12 STATE OF NEVADA, et al.,

13 Respondents.
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Case No. 2:16-cv-00029-JCM-NJK

ORDER

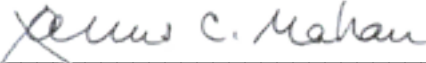
15 The court directed petitioner to show cause why the court should not dismiss this action
16 because petitioner was not in custody at the time he commenced the action, because the action was
17 untimely, and because petitioner did not exhaust his available state court remedies. ECF No. 4.
18 Petitioner has filed a response. ECF No. 9. His statements in the response do not address the
19 court's concerns. Consequently, the action must be dismissed.

20 Reasonable jurists would not find the court's conclusions to be debatable or wrong, and the
21 court will not issue a certificate of appealability.

22 IT IS THEREFORE ORDERED that this action is **DISMISSED** with prejudice. The clerk
23 of the court shall enter judgment accordingly and close this action.

24 IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.

25 DATED: July 11, 2016.
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28 JAMES C. MAHAN
United States District Judge